

**Response to Comments for the Explanation of Significant Differences for
Temporary Storage of Sediments in Cell #1, EPA Sawyer Street Facility
New Bedford Harbor Superfund Site/Operable Unit #1
New Bedford, Massachusetts**

A draft Explanation of Significant Differences (ESD) was released for a 15-day public comment on August 31, 2009. The comment period was extended to September 30, 2009 at the request of the City of New Bedford. Comments were provided by four individuals/organizations: Kerri J. Murphy, Esq., Advocacy Specialist, The Coalition for Buzzards Bay; Karen Vilandry, Environmental Activist; Cora Pierce, Fairhaven Resident; and Mayor Scott W. Lang, City of New Bedford.

Outlined below is a summary of significant comments received from the public and other interested parties during the public comment periods and EPA's response to those comments. Similar comments have been summarized and grouped together.

COMMENT #1: Several commentors asked for specific information on the use of cell #1 and for EPA's definition of "temporary storage". Several of these commentors requested that EPA remove this material and ship it off-site immediately.

Response: Since the summer of 2000, cell #1, located in the Pilot Confined Disposal Facility (CDF) C, at EPA's Sawyer Street facility has been used to temporarily store PCB-contaminated material excavated or dredged from the upper and lower harbor. These sediment sources are listed on pages 5 and 6 of the subject ESD and are still present in the cell today. EPA does consider this storage of material to be temporary in nature. EPA will remove the material in the cell when funding becomes available. Removal of the material will cost approximately \$15 million. Funding for this activity is not yet available.

Approximately 6,900 cubic yards of the sediment stored in cell # 1 is from the Aerovox shoreline which, besides PCBs, contains the volatile organic compound (VOC) trichloroethylene (TCE). The concentration of TCE in the sediment is at a level which classifies it as a RCRA hazardous waste and once the sediment is removed from cell #1, will have to be shipped to a RCRA hazardous waste disposal facility via truck. Shipping the contents of cell #1 off-site as a RCRA hazardous waste will cost approximately \$15 million. Extensive air and groundwater monitoring has been, and will continue to be conducted that ensures that the cell remains protective (See Figures 2-4 of the final ESD for recent monitoring results). Since sediment in the cell does not pose a risk to human health or the environment, EPA funding priorities have focused on uncontrolled contaminated sediments that still remain in the Harbor which are freely releasing PCBs into the environment. Once uncontrolled releases are addressed, EPA will remove the materials in cell #1. However, EPA is also looking into all other means of acquiring funding for the removal of the material in the cell, outside of the funding currently being spent dredging the contaminated sediments in the Harbor.

Comment [R1]: All of the sediment in the cell is now hazardous waste.

In summary, EPA considers storage of material in cell # 1 to be temporary and does not intend to leave any material in the cell permanently. It has been some time since material has been stored in the cell (since 2000). Groundwater and air monitoring have shown that the material is not posing a risk to human health and the environment by being there. When EPA obtains the funds to remove the material, it will be shipped off-site to an appropriate disposal facility.

COMMENT #2: One commentor asked for specific information on the liner material itself and its compatibility with materials stored in the cell.

Response: The liner is made of high density polyethylene (HDPE) which is a hard but pliable plastic material commonly used in landfills for liner and cover applications. The liner is 60 mil or 0.06 inch thick. It is not reactive to most hazardous wastes, including PCBs, metals and solvents or a combination of these compounds. Most landfills which use this material for liners have at least a thirty year life span. EPA plans to remove this material as soon as funding is made available.

COMMENT #3: Several commentors expressed concerns regarding EPA's determination that a double liner was not required and questioned EPA's decision to waive state requirements for a double liner.

Response: In May 2000, the hot spot sediment being stored in the then double-lined cell was emptied and shipped off-site. The double liner was damaged during the sediment removal process and a single 60 mil or 0.06 inch thick high density polypropylene (HDPE) liner was reinstalled in the cell. However, the cell has a natural clay layer underlying the area. Clay is an extremely impervious material and is routinely used as a liner or cover in landfill construction. Based on the clay's impervious property, along with an existing liner, as well as the cell having a cover of clean fill and an active groundwater and air monitoring program in place at and near the cell, EPA has determined that the material is secure and the facility is equally protective as a cell with a double liner. Therefore, the single liner cell, underlain with clay, is determined to be suitable as a temporary hazardous waste surface impoundment to contain this material. Based on these findings, this ESD waives a state requirement for surface impoundments currently holding hazardous waste to be double lined.

COMMENT #4: One commentor requested additional information (and expressed concerns) regarding detections of acetone in groundwater in the cell # 1 area.

Response: During the same sampling event where acetone was detected in groundwater samples taken from the Pilot CDF C area where cell # 1 is located, acetone was also detected in the equipment blanks (pure water, unrelated to the site samples). Acetone is a common laboratory contaminant. Because this compound was found in the equipment blank and no other volatile organic compounds (VOCs) were found in either the equipment blank or site samples, EPA determined that the acetone came from the laboratory and not the site. Further, the analytical results for the continued groundwater sampling that EPA is conducting, have shown that the cell is protective and not leaching

or “leaking” out any contaminants (See Table 3 in the final ESD for the most recent groundwater sampling results). Air quality monitoring also shows neither signs of PCB concentrations which would pose a risk nor any detection of VOCs. This shows us that the cap on the cell is also protective.

COMMENT #5: Comments from the Mayor of New Bedford expressed concerns about risks from the temporary storage of the cell contents as well as negative impacts on the City’s desire to redevelop the Sawyer Street property. The Mayor also requested that any future use of Confined Disposal Facilities (CDFs) be removed from the overall cleanup plan.

Response: With regard to temporary risks, EPA has determined that there are not temporary risks associated with the material in cell # 1. The material is capped with clean fill, the cell has a single liner, is under laid by impervious natural clay, and has frequent groundwater and air monitoring. There is no risk to human health at any location in the Pilot CDF C area (Sawyer Street facility), including cell # 1 from the material in the cell. The U.S. Army Corps of Engineers and its contractors and subcontractors are present on-site full time. They have stringent safety protocols, including exposure limits for contaminants of concern such as PCBs and VOCs, which there have been no exceedences and not detected, respectively, as shown in the most recent groundwater monitoring data (See Table 3 of the final ESD).

EPA supports the City in its desire to develop portions of the Pilot Study CDF and this spring is making available the area where the construction trailers currently reside to enable the City to develop this portion of the Pilot Study CDF. EPA is relocating personnel from trailers at a cost of approximately \$300,000 to initially free up space where existing trailers are located.

EPA intends to remove the hazardous material from cell # 1 and disposing of it at a secured hazardous waste landfill. Any permanent disposition of the material in this area would require EPA to issue an additional decision document. As noted in EPA’s response to Comment 1, since the sediment in the cell does not pose a risk to human health or the environment, EPA funding priorities have focused on uncontrolled contaminated sediments that still remain in the Harbor which are freely releasing PCBs into the environment. Once uncontrolled releases are addressed, EPA will remove the materials in cell #1. However, EPA is also looking into all other means of acquiring funding for the removal of the material in the cell, outside of the funding currently being spent dredging the contaminated sediments in the Harbor..

Regarding the use of CDFs, The construction of three CDFs are part of the current approved cleanup plan selected after public comment. However, EPA has been shipping PCB-contaminated sediments off-site via rail, after issuing an Explanation of Significant Differences that eliminated the use of the largest proposed CDF, CDF D in the lower harbor. As noted in several public forums in recent years, and most recently at the January 28, 2010 public meeting, EPA is seriously evaluating the use of a confined

aquatic disposal (CAD) cell to permanently place contaminated sediment from mainly the lower harbor. The upper harbor sediment continues to be disposed of off-site.